

REMARKS

Specification

A substitute specification in idiomatic English and in compliance with 37 CFR §1.52(a) and (b) is submitted under 37 CFR §1.125 (b) and (c). Applicants respectfully ask the Examiner to reference the version with Edit Marks for the Amendments to the Specification. No new matter has been added.

Claim Rejections - 35 USC §112

Claims 1-15 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner indicated that, “the claims are generally narrative and indefinite, failing to conform with current U.S. practice.”

Claims 1-15 have been amended to conform to current U.S. practice.

Claim 1 is further rejected as indefinite because it is unclear who the actors are in the method steps.

Claim 1 has been amended to eliminate the unclearness regarding the actors.

Claim 8 is indefinite because it is not clear whether the “wherein . . .” clause is part of the retrieving module element or whether it is intended to modify the entire claim.

Claim 8 has been amended to delete the wherein clause.

Based on the above it is respectfully submitted that claims 1 - 15 as amended comply with 35 USC §112, second paragraph, and are not indefinite and do not fail to distinctly claim the subject matter which applicants regard as their invention.

Claim Rejections - 35 USC §102

Claims 8-15 are rejected under 35 USC §102(e) as being anticipated by Page et al. (US Application Publication 2001/0001864, hereinafter “Page”).

As to claims 8 and 13, the independent claims have been clarified to amend the previously claimed combination, as exemplified in claim 8, to now include the limitations:

“a measuring system for measuring quality of a plurality of different types materials from a plurality of suppliers at a first incoming quality control department of a first factory;

a database for storing quality data from the measuring system for each supplier comprising: identification, the types of material measured, the quantities received, and the quantities rejected; and

a retrieving module for retrieving the quality data using a supplier identification and type of material at a second incoming quality control department of a second factory the quality of the type of material from the supplier.”

The support for the above amendment is on page 8, line 19, through page 9, line 14, of the original specification (or page 9, line 6, through page 10, line 2, of the clean Substitute Specification).

Page discloses a computer-implemented method for facilitating collaboration and communication among project participants working collaboratively on a project using a computer network. The method includes providing a plurality of trackpoints that are created by at least two of the project participants. Each of the plurality of trackpoints includes metadata descriptive of the each of the plurality of trackpoints. Each of the plurality of trackpoints is configured to store data within its content.

Page does not disclose a quality control system comprising the claimed measuring system, database, or retrieving module.

As to claims 9-12 and 14-15, the dependent claims respectively depend from independent claims 8 and 13 and are believed to be allowable since they contain all the limitations set forth in the independent claims from which they depend and claim non-obvious combinations thereof.

It is respectfully submitted that the now amended independent claims 8 and 13, and the respective claims 9-12 and 14-15 depending therefrom, are not anticipated by Page under 35 USC §102 because:

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” [*emphasis added*] *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.* (730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Dir. 1983)))

Claim Rejections - 35 USC §103

Claims 1-7 are rejected under 35 USC 1.03(a) as being unpatentable over Katz et al. (2003/0033179, hereinafter “Katz”).

As to claim 1, the independent claims have been clarified to amend the previously claimed combination to now include the limitations that:

- “(1) measuring quality of a plurality of different types materials from a plurality of suppliers at a first incoming quality control department of a first factory;
- (2) establishing a supplier database for entry of information for each supplier comprising: identification, the types of material measured, the quantities received, and the quantities rejected; and
- (3) determining from a supplier identification and type of material at a second incoming quality control department of a second factory the quality of the type of material from the supplier.”

The support for the above amendment is on page 8, line 19, through page 9, line 14, of the original specification (or page 9, line 6, through page 10, line 2, of the clean Substitute Specification).

Katz teaches a method for generating customized alerts related to the procurement, sourcing, strategic sourcing and/or sale of one or more items by an enterprise is disclosed. The method is based on a Value Chain Intelligence (VCI) system that enables suppliers and procurement professionals to leverage enterprise and marketplace data in order to potentially improve decision-making in business enterprises.

Katz teaches a system which is at a higher level in a corporate organization that deals with purchasing (procurement) of materials in past, present, and future. It does not teach or suggest a system dealing with materials after purchase as they come into a company and quality is determined and it is necessary to determine if an incoming order should be accepted based on the supplier’s previous performance in providing material.

As to claims 2-7, the dependent claims depend from independent claim 1 and are believed to be allowable since they contain all the limitations set forth in the independent claim from which they depend and claim non-obvious combinations thereof.

It is respectfully submitted that the now amended independent claim 1, and the claims 2-7 depending therefrom, are allowable under 35 USC 1.03(a) as being unobvious over Katz because:

“[T]he prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure.” *In re Vaeck*, 947 F2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

The other references cited by the Examiner showing the prior art have been considered and are not believed to disclose, teach, or suggest, either singularly or in combination, Applicants’ invention as claimed.

Conclusion

In view of the above, it is submitted that the claims are in condition for allowance and reconsideration of the rejections is respectfully requested. Allowance of claims 1-15 at an early date is solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including any extension of time fees, to Deposit Account No. 50-0374 and please credit any excess fees to such deposit account.

Respectfully submitted,



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NOTE: Appendix follows with clean version of the amended claims.